Original

1909-10

FILE No. 33 OF 1909-10.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

PROCEEDINGS OF THE GENERAL AND REVENUE DEPARTMENT

JUDICIAL AND LEGISLATIVE (LEGISLATION)

APRIL 1909.

"A" Collection Serial Nos. 1-8

Subject :—*The Mysore Census Regulation No. I of 1910.*

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1909-10.

GENERAL AND REVENUE SECRETARIAT.

(LEGISLATION.)

NOTES.

FILE No. 33 of 1909-10.

THE MYSORE CENSUS REGULATION, 1911.

D. O. dated the 15th February 1910, from Mr. V. R. Tyagaraja Iyer, M.A., Census Superintendent, to Mr. C. S. Balasundaram Iyer. B.A., Officiating. Secretary to Government, General and Revenue Departments.

I enclose herewith a note on certain modifications (proposed) of the provisions in the Census Regulation. Mr. Nanjundayya, Member of Council, whom I saw, said that a draft Regulation was under consideration and asked me to send a note of the alterations suggested by the Director of Statistics in charge of Census operations in 1904.

Enclosure to the above note.

"Please refer to paras 41-44 (Page 11-12) of the Administration Report (Part V). Three points are specified in respect of which modifications in the Census Regulation are suggested. I confess I do not agree to the alteration suggested in para 44. It may be ascertained if the proposed modification has been carried out in the India Census Act recently passed.

2. Please refer to para 69 of the Report. A certain modification is therein suggested by a charge Superintendent but the Director of Statistics in charge of Census operations says that the existing provision seems sufficient (*vide* Section 10 (*a*) of the Census Regulation of 1900). I agree with the latter view."

1. The *Gazette of India* containing the Bill in connection with the ensuing Census operations is submitted herewith. This closely follows their old Act, corresponding to Regulation IX of 1900 passed by the Durbar. It is usual to pass such a Regulation previous to every Census. The enactment of a law in Mysore may perhaps be considered.

Submitted for orders.

T. K. S.
2-2-10.

S. N.
2-2-10.

We may also move in the matter. By the time we take action the Government of India Bill will have been passed into law.

S. HIRIYANNAIYA.
2-2-10.

3. Early.

Please make a draft following the old Regulation.

H. V. NANJUNDAYYA,
2nd Councillor.
4-2-10.

4. A draft Bill on the lines of our old Regulation is submitted herewith.

T. K. S.
5-2-10.

S. N.
5-2-10.

5. A. D. O. to the Residency (as usual) is also put up.

S. HIRIYANNAIYA.

6. 7-2-10.

H. V. NANJUNDAYYA.

8-2-10.

7. This entails the necessity for comparing our Regulation of 1900 with the British Indian Act of 1900, and the British Indian Act of 1910. The easier and better thing to do would be to take up the British Indian Act of 1910 and adapt it. Please do this.

T. ANANDA ROW,
Dewan.

8. Wait till the British Indian Act is passed. 15-2-10.

S. HIRIYANNAIYA.

18-2-10.

9. As orally ordered a draft to the Census Superintendent inviting his suggestions for the preparation of the draft Census Bill in connection with the decennial Census of 1911 is put up.

S. V. S.

11-4-10.

S. N.

11-4-10.

10. Issue as revised.

S. HIRIYANNAIYA.

12-4-10.

Sl. 1.] *No. J. 3035, dated 15th April 1910, to the Census Superintendent.*

Requests him to submit his suggestions if any to be given effect to in the preparation of the Census Bill for the forthcoming decennial Census of 1911.

Sl. 2.] *No. 116, dated 19th April 1910, from the Census Superintendent in Mysore (through the Revenue Commissioner).*

Submits certain suggestions for the draft Census Regulation for the coming decennial Census of 1911.

11 The suggestions made by the Census Superintendent for the Census of 1901 are to be found at pages 11 and 252 of the Census Report 1901, Part V (Administration Report), herewith put up.

S. V. S.

23-4-10.

S. N.

23-4-10.

12. Please let me also see the ruling referred to in the latter part of para 44 of the Census Administration Report. Please see also last para of the letter under disposal.

S. HIRIYANNAIYA.

28-4-10.

13. Submitted with a draft docket to the Census Superintendent.

S. V. S.

26-5-10.

Issue.

S. HIRIYANNAIYA.

27-5-10.

Sl. 3.] *No. J. 3619, dated 30th May 1910, to the Census Superintendent.*

Requests him to forward to this office a copy of the ruling referred to in para 44 of the Mysore Census Administration Report for 1901, Part V.

Sl. 4.] *No. 240, dated 31st May 1910, from the Census Superintendent.*

Furnishes information about the ruling referred to in Sl. No. 3.

S. V. S.

2-6-10.

S. N.

3-6-10.

14. The suggestions of the Census Superintendent seem to be suitable and may be adopted.

15. Regarding para 4 of his letter, it may be remarked that the D. O. (enclosure to letter under disposal) from the then Secretary to the Census Superintendent is probably based on the wide power conferred on the Courts by the Evidence Act with regard to the summoning of evidence. But this does not entitle the *parties* to insist on the admission of evidence which is by any law for the time being declared inadmissible.

S. HIRIYANNAIYA.
4-6-10.

C. S. BALASUNDARAM IYER.
9-7-10.

16. The Dewan has directed that the draft should be founded on the Act of 1910. I see the draft based on our old Regulation. Please put up one based on the new Act, adopting the Superintendent's suggestions also [*i.e.*, mentioning 6 months in 10 (*e*).] The class of Magistrates need not be entered in the Regulation, as S. 11 gives sufficient discretionary power to Government.

H. V. NANJUNDAYYA,
2nd Councillor.
10-7-10.

Submitted to His Highness.

17. (1) I submit for approval a draft Census Bill which is based on the Census Regulation of 1900 and the Census Bill now before the Supreme Legislative Council, together with the draft of a letter to the Residency saying that it is proposed to pass the Bill at the next meeting of the Legislative Council on the 11th August 1910.

(2) We are watching the course of the Census Bill in the Supreme Legislative Council, and we may find it necessary to amend this draft Bill in accordance with the Bill that they may finally pass.

T. ANANDA ROW.
24-7-10.

Order.

18. Approved.

K. R. W.,
His Highness the Maharaja of Mysore.
25-7-10.

20. The Dewan directs that arrangements should be made to introduce the Census Regulation at the next meeting of the Legislative Council, 11th August 1910, and to pass it at one sitting.

K. MATTHAN.
21-7-10.

21. Assistant Secretary, Branch III, for needful action.

C. S. BALASUNDARAM IYER.
22-7-10.

22. Draft of a Census Bill based on the Bill before the Supreme Legislative Council (which is the same as the British Indian and Mysore Enactments of 1900) is put up, adopting (as directed by the 2nd Councillor) the two changes (in clauses 10 and 11) recommended by the Census Superintendent in the light of experience gained at the last Census. (Please see also administrative portion of the Census Report, 1901). The portion affecting the Evidence Act has not been adopted, as the Census Superintendent does not support it.

23. Draft of a D. O. letter to the Hon'ble the Resident is put up.

(It is seen from the papers to-day that the British Indian Bill is to be referred to a Select Committee at to-day's meeting. This raises a doubt as to whether they (in Simla) are thinking of introducing any amendments. If so, it may be considered whether the final passing of the Bill may not be put off for a short time.)

S. HIRIYANNAIYA.
22-7-10.

24. I see no harm in our taking up the Bill at the next meeting and passing it. It is possible that we may know what the Select Committee in British India will do by that time.

H. V. NANJUNDAYYA.
22-7-10.

Sl. 5.] *D. O. No 1117, dated the 27th July 1910, from the Dewan to the Resident.*

Forwards a copy of the Bill and states that it is intended to place it before the next meeting of the Legislative Council and to pass it therein.

Sl. 6.] *D. O. letter No. 4740, dated the 8th August 1910, from the First Assistant Resident, to the Dewan.*

States that there is no objection to the Bill as framed being laid before the Legislative Council, and invites attention to the schedule attached to the Indian Census Bill regarding factories, etc.

25. The Bill having been amended, except in regard to one particular, in the light of the additions made by the Government of India, was placed before the Legislative Council at the meeting held on the 15th August 1910 and was passed finally by the Council at the said meeting. Not being one requiring the sanction of the Government of India, this Bill has now to be submitted to the Dewan for sanction of His Highness being obtained for its promulgation as law. Submitted with copies of the Bill as passed in Council with a copy for the Dewan's signature as required under Rule 52 of the Legislative Council Rules.

T. K. S. S. N.
22-8-10.

S. HIRIYANNAIYA.
22-8-10.

C. S. BALASUNDARAM IYER.
23-8-10.

26. The draft Census Regulation which was approved by His Highness in order dated the 25th July 1910 was placed before the Legislative Council at its last meeting with certain modifications based on the amendments made by the Supreme Legislative Council in the Census Bill recently before that body. The modifications are indicated in italics in the accompanying printed copy of the Bill.

2. The Bill was passed by the Legislative Council, and I now solicit His Highness' final sanction to its being promulgated as law.

T. ANANDA ROW.
24-8-10.

Order.

27. Sanctioned.

K. R. W.,
His Highness the Maharaja of Mysore.
24-8-10.

Sl. 7. *Order No. J. 609, dated 25th August 1910, to the Compiler,* Mysore Gazette.

Notifies the publication of the Mysore Census Regulation, I of 1910.

28. Spare copies of the Regulation have been received from the Press. A draft letter to the Residency forwarding ten copies of the Regulation as usual is herewith put up for approval or other orders.

S. V. S. S. N.
31-8-10. 1-9-10.

29. Issue.

S. HIRIYANNAIYA,
2-9-10.

Sl. 8. *No. Pol. 225, dated 3rd September 1910, to the First Assistant to the Hon'ble the Resident in Mysore, Bangalore.*

Forwards one copy of the Regulation with nine spare copies and requests him to send one copy to His Highness the Nizam's Government.

Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial and Legislative (Legislation), September 1910.

The Mysore Census Regulation, 1911.

FILE No. 33 OF 1909-10.

Letter No. J. 3035, dated the 15th April 1910, from the Secretary to Government, General and Revenue Departments, to the Census Superintendent, Bangalore, through the Revenue Commissioner in Mysore.

Serial No. 1.

I am directed to request you to be so good as to submit, for the information of Government, your suggestions, if any, in the light of experience gained during the last Census to be given effect to in the preparation of the Census Bill for the forthcoming decennial Census of 1911. The Census Regulation, IX of 1900, which will be taken as the basis for drafting the present Bill will be found on page 635 of Vol. II of the Mysore Code.

Letter No. 116, dated Bangalore, 19th April 1910, from the Census Superintendent in Mysore, to the Officiating Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments, through the Revenue Commissioner in Mysore.

Serial No. 2.

I have the honor to reply to your letter No. J. 3035, dated 15th April 1910, requesting me to submit for the information of Government my suggestions for preparing the Draft Census Regulation for the forthcoming decennial Census of 1911.

2. In para 42 of the Administrative Report (Part V of the Census Report, 1901) and para 14 of the draft outlines of a scheme for abstraction and tabulation (Appendix 49 of the above report) the suggestion is made by the Census Superintendent that the period for which the house numbers should be maintained should be fixed at six months or one year from the date of Census, for reasons there given and that the Regulation should be amended so as to provide for this. I think the period of six months seems sufficient.

3. Again in para 43 of the above report, the suggestion is made that offences under the Regulation should be made triable by Taluk Magistrates instead of by 1st Class Magistrates. I think that Second Class Magistrates may be invested with the power.

4. In para 44 of the report, the suggestion is made that the latter part of Section 12 of the Census Regulation should be repealed. This involves a question of principle and I would not advocate the repeal unless a corresponding change is made in the India Census Regulation.

Letter No. J. 3619, dated the 30th May 1901, from the Officiating Secretary to Government, General and Revenue Departments, to the Census Superintendent, Bangalore.

Serial No. 3.

Has the honor to invite his attention to the marginally noted extract from para 44 of the Mysore Census Administration Report for 1901, Part V, and to request him to be so good as to furnish this office with a copy of the ruling referred to therein.

"In view of the fact that it has been ruled that requisition from Civil and Criminal Courts for original schedule books, for inspection or for extracts from them for reference should be complied with, it is a question whether this provision may not also be dispensed with."

Letter No. 240, dated Bangalore, 31st May 1910, from V. R. Thyagaraja Iyer, Esq., M.A., Census Superintendent in Mysore, Bangalore, to C. S. Balasundaram Iyer, Esq., B.A., Officiating Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments, Bangalore.

Serial No. 4.

Adverting to your docket No. J. 3619—Legis. 33-09, dated 30th instant, requesting to be furnished with a copy of the ruling referred to in para 44 of the Mysore Census Administration Report for 1901 (Part V), I have the honor to state that the Taluk Magistrate of Dodballapur having in 1900-01 requested the transmission of a Census Schedule relating to a specified house, for Court use in a case in which private persons were parties, the file of correspondence ending with Bangalore District Magistrate's No. 1529, dated the 15th May 1901, was submitted to Government for orders with the then Director of Statistics and Census Superintendent's letter No. 1503, dated the 17th idem. In reply thereto the General and Revenue Secretary demi-officially intimated to the Census Superintendent

on the 22nd August 1901 that "the document being legally admissible in evidence, the Court has power, the Dewan thinks, to summon for its production." The then Assistant Census Superintendent was accordingly directed in No. 276, dated 24th August 1901, to furnish the Schedule to the Magistrate. This appears to be the ruling referred to in the Administrative Volume quoted above. A copy of the D. O. referred to above is herewith forwarded.

Enclosure to the above,

D. O. dated Bangalore, 22nd August 1901, from H. V. Nanjundayya, Esq., M.A., M.L., Secretary, to T. Ananda Row, Esq., B. A., Census Superintendent.

With reference to your letter No. 1503, dated 17th May 1901, I am desired to enquire whether the case therein referred to is still pending in Court. The Government is not prepared to advise as to how a summons issued by a competent Court of Justice should be dealt with.

If the case is still pending, however, the document being legally admissible in evidence, the Court has power, the Dewan thinks, to summon for its production.

D. O. No. 1117, dated Bangalore, 27th July 1910, from the Dewan to the Hon'ble the Resident.

Serial No. 5.

I enclose herewith a copy of a draft Regulation to provide for the taking of the General Census in Mysore in 1911. The Bill is based on the Mysore Regulation of 1900 and the draft Bill now before the Supreme Legislative Council of British India, but it differs from them in two small matters, *viz.*, (1) the period during which the letters, marks or numbers which shall have been painted or affixed for the purposes of the Census have to be kept intact, is extended to six months, and (2) sub-clause (2) of clause 11 has been omitted, the Government reserving to themselves the entire power to declare by what classes of Magistrates the offences under the Regulation may be tried.

2. It is intended to place the Bill before the Mysore Legislative Council and to pass it at the next meeting, *viz.*, on the 15th August 1910.

THE MYSORE CENSUS BILL.

Bill as sent to the Residency with D. O. letter No. 1117, dated 27th July 1910.

A BILL TO PROVIDE FOR CERTAIN MATTERS IN CONNECTION WITH THE TAKING OF THE CENSUS.

Preamble.

Whereas it has been determined to take a census of Mysore during the year 1911, and it is expedient to provide for certain matters in connection with the taking of such census; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Mysore Census Regulation, 1911.

(2) It extends to the whole of Mysore; and

(3) It shall come into force at once.

Appointment of census-officers.

2. (1) The Government may appoint any person to take, or aid in or supervise the taking of, the census within any specified local area.

(2) Persons so appointed shall be called census officers.

(3) The Government may delegate to such authority as it thinks fit the power of appointing census-officers which is conferred by this section

Proof of appointment of census-officers and their status as public servants.

(1) A declaration in writing, signed by any officer authorised by the Government in his behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(2) All census-officers shall be deemed to be public servants within the meaning of th Indian Penal Code.

Discharge of duties of census officers in certain cases.

4. (1) (*a*) Every officer in command of any body of me belonging to His Highness the Maharaja's Military Forces,

(*b*) Every person in charge of a lunatic asylum, hospital, workhouse, prison, reforma tory or lock-up, or of any public, charitable, religious or educational institution,

(*c*) Every keeper, secretary or manager of any choultry, hotel, boarding house, lodging-house or club, and

(*d*) Every occupant of immovable property and every manager or officer of a railway or other commercial or industrial enterprise who has at the time of the taking of the census not less than fifty persons employed under him, or living on or in such property,

shall, if so required by the District Magistrate, or by such officer as the Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or inmates of his house or present on or in such immovable property, as such Magistrate or officer may, by written order, direct.

(2) All the provision of this Regulation relating to census-officers shall apply, so far as they can be made applicable, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under Section 187 of the Indian Penal Code.

Power of District Magistrate to call upon certain persons to give assistance.

5. (1) The District Magistrate, or such officer as the Government may appoint in this behalf for any local area, may, by written order, which shall have effect throughout the limits of his district or of such local area, as the case may be, call upon—

(*a*) All owners and occupiers of land, tenure-holders, farmers, and assignees of land revenue or their agents, and,

(*b*) All village officials in alienated tracts including inam and kayamgutta villages and jahgirs,

to give such assistance as he needs towards the taking of a census of the persons who are at the time of the census on the lands of such owners, occupiers, holders, farmers and assignees, or in the villages or other areas for which such village officials are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers and assignees or their agents and such village officials shall be bound to obey it.

Asking of questions by census-officers.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed, as, by instructions issued in this behalf by the Government and published in the official Gazette, he may be directed to ask.

Obligation to answer questions.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief.

Provided that no person shall be bound to state the name of any female member of his household, and that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to allow access, and permit affixing of numbers.

8. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier to fill up schedule.

9. (1) Subject to such orders as the Government may issue in this behalf, any census-officer may leave, or cause to be left, at any dwelling-house within the local area for which he is appointed, a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof with such particulars as the Government may direct regarding the inmates of such house or part at the time of the taking of the census.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, as the case may be, at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as he may direct.

Penalties.

10. In any of the following cases, namely,—

(*a*) if a census-officer or a person appointed to be a census-officer or a person lawfully required to give assistance towards the taking of a census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Regulation, or with any rule duly made thereunder,

(*b*) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return,

(*c*) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 7 so to answer,

(*d*) if any person occupying any house, enclosure or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,

(*e*) if any person removes, obliterates, alters or injures before the eleventh day of September 1911, any letters, marks or numbers which have been painted or affixed for the purposes of the census,

(*f*) if any occupier of a dwelling-house or part thereof knowingly and without sufficient cause fails to comply with the provisions of section 9 or makes any false return under that section,

he shall be punishable with fine which may extend to fifty rupees.

Jurisdiction in prosecutions.

11. (1) The Government may, by notification in the official Gazette, declare before what classes of Magistrates prosecutions under this Regulation may be instituted.

(2) No prosecution under this Regulation shall be instituted except with the previous sanction of the Government, or with the previous sanction of some officer authorised by the Government in this behalf.

Records of census not open to inspection or admissible in evidence in certain proceedings.

12. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such officer or any schedule delivered under section 9, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1904.

Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of Mysore during the year 1911, cause the census of the municipality to be taken wholly or in part by any method authorised by this Regulation.

Power in regard to expenses.

14. Notwithstanding anything in any enactment or rule, in regard to municipal or local funds, the Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Regulation may be charged to any municipal or local fund constituted for, and on behalf of, the area within which such expenses were incurred.

Power to make rules.

15. (1) The Government may make rules for carrying out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing—

(*a*) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census and for the general instructions to be issued to such officers and persons ;

(*b*) for the enumeration of persons employed on railways and their families and of other classes of the population for whom it may be necessary or expedient to make special provision ;

(*c*) for the enumeration of persons travelling on the night when census is taken.

The Mysore Census Regulation, 1911.

Statement of objects and reasons

This Bill is intended to provide for the taking of a general census in 1911. It is based on the corresponding Regulation of 1900 and on the draft Bill now before the Supreme Legislative Council of British India.

D. O. No. 4740, dated the 8th August 1910, from Major Gray, First Assistant Resident in Mysore, to T. Ananda Row Esq., C.I.E., Dewan of Mysore.

I am desired to acknowledge the receipt of your D. O. letter No. 1117, dated the 27th July 1910, forwarding a copy of the Mysore Census Bill, and in reply, to state that there is no objection to the Bill being laid before the Legislative Council. **Serial No. 6.**

2. I am at the same time to invite attention to the Schedule attached to the Indian Census Bill, now under consideration, providing for the Census of mines, mills and factories in order that information may be gathered as to the progress and condition of Indian industries.

Order No. J. 609—Legis. 33-09, dated 25th August 1910, to the Compiler, *Mysore Gazette.*

Ordered that the accompanying Regulation to provide for certain matters in connection with the taking of the Census in 1911, which received the assent of His Highness the Maharaja on the 24th day of August 1910, be published for general information. **Serial No. 7.**

Regulation No. I of 1910.

Received the assent of His Highness the Maharaja on the 24th day of August 1910.

A Regulation to provide for certain matters in connection with the taking of the Census.

Whereas it has been determined to take a census of Mysore during the year 1911, and it is expedient to provide for certain matters in connection with the taking of such census; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. (1) This Regulation may be called "the Mysore Census Regulation, 1910."

Title, extent and commencement.

(2) It extends to the whole of Mysore; and

(3) It shall come into force at once.

2. (1) The Government may appoint any person to take, or aid in or supervise the taking of, the census within any specified local area.

Appointment of census-officers.

(2) Persons so appointed shall be called census-officers.

(3) The Government may delegate to such authority as it thinks fit the power of appointing census-officers which is conferred by this section.

3. (1) A declaration in writing, signed by any officer authorized by the Government in this behalf, that any person has been duly appointed a Census-officer for any local area shall be conclusive proof of such appointment.

Proof of appointment of census-officers, and their status as public servants.

(2) All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

4. (1) (*a*) Every officer in command of any body of men belonging to His Highness the Maharaja's Military Forces,

Discharge of duties of Census-officers in certain cases.

(*b*) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(*c*) every keeper, secretary or manager of any chattram, hotel, boarding-house, lodging-house or club, and

(*d*) every occupant of immovable property and every manager or officer of a Railway or other commercial or industrial enterprise who has at the time of the taking of the census not less than twenty persons employed under him, or living on or in such property,

shall, if so required by the District Magistrate, or by such officer as the Government may appoint in this behalf, perform such of the duties of a census-officer in relation

to the persons who at the time of the taking of the census are under his command or charge, or inmates of his house or present on or in such immovable property, as such Magistrate or officer may, by written order, direct.

(2) All the provisions of this Regulation relating to census-officers shall apply, so far as they can be made applicable, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

Power of District Magistrate to call upon certain persons to give assistance.

5. (1) The District Magistrate, or such officer as the Government may appoint in this behalf for any local area, may, by written order, which shall have effect throughout the limits of his district or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, farmers, and assignees of land revenue or their agents, and

(*b*) all village officials in alienated tracts including inam and kayamgutta villages and jahgirs,

to give such assistance as he needs towards the taking of a census of the persons who are at the time of the taking of the census on the lands of such owners, occupiers, holders, farmers and assignees, or in the villages or other areas for which such village officials are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers and assignees or their agents and such village officials shall be bound to obey it.

Asking of questions by census-officers.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the official Gazette, he may be directed to ask.

Obligation to answer questions.

7 Every person of whom any question is asked under the last foregoing Section shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to allow access, and permit affixing of numbers.

8. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier to fill up schedule.

9. (1) Subject to such orders as the Government may issue in this behalf, any census-officer may leave, or cause to be left—

(*a*) at any dwelling-house within the local area for which he is appointed, or

(*b*) with any manager of officer of any commercial or industrial enterprise who has at the time of the taking of the census not less than twenty persons employed under him,

a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part or the persons employed under such manager or officer at the time of the taking of the census.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates or the manager or officer with whom it is left shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, as the case may be, or the persons employed under him at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as he may direct.

10. In any of the following cases, namely,—

Penalties.

(*a*) if a census-officer or a person appointed to be a census-officer or a person lawfully required to give assistance towards the taking of a census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Regulation, or with any rule duly made thereunder,

(*b*) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return,

(*c*) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 7 so to answer,

(*d*) if any person occupying any house, enclosure or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,

(*e*) if any person removes, obliterates, alters or injures before the eleventh day of September 1911, any letters, marks or numbers which have been painted or affixed for the purposes of the census,

(*f*) if any occupier of a dwelling-house or part thereof or any person with whom a schedule is left under section 9 knowingly and without sufficient cause fails to comply with the provisions of section 9, or makes any false return under that section,

he shall be punishable with fine which may extend to fifty rupees.

Jurisdiction in prosecutions.

11. (1) The Government may, by notification in the official Gazette, declare before what classes of Magistrates prosecutions under this Regulation may be instituted.

(2) No prosection under this Regulation shall be instituted except with the previous sanction of the Government, or with the previous sanction of some officer authorised by the Government in this behalf.

Records of census not open to inspection or admissible in evidence in certain proceedings.

12. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such officer or any schedule delivered under section 9, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1904.

Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of Mysore during the year 1911, cause the census of the municipality to be taken wholly or in part by any method authorised by this Regulation.

Power in regard to expenses.

14. Notwithstanding anything in any enactment or rule, in regard to municipal or local funds, the Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Regulation may be charged to any municipal or local fund constituted for, and on behalf of, the area within which such expenses were incurred.

Power to make rules.

15. (1) The Government may make rules for carrying out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing—

(*a*) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census and for the general instructions to be issued to such officers and persons,

(*b*) for the enumeration of persons employed on railways and their families and of other classes of the population for whom it may be necessary or expedient to make special provision,

(*c*) for the enumeration of persons travelling on the night when a census is taken.

T. ANANDA ROW,
Dewan.

The Mysore Census, Regulation 1911.

Statement of objects and reasons.

This Bill is intended to provide for the taking of a General Census in 1911. It is based on the corresponding Regulation of 1900 and on the Act recently passed by the Government of India and embodies the changes introduced into that Act on the recommendation of the select committee for obtaining the information necessary for the preparation of a special schedule for factories, mills, mines and similar industrial concerns.

Letter Pol. No. 225—, dated the 3rd September 1910, from the Officiating Secretary to Government, General and Revenue Departments, to the First Assistant to the Hon'ble the Resident in Mysore, Bangalore.

I am directed to forward herewith a copy of Regulation I of 1910, a Regulation to provide for certain matters in connection with the taking of the census, with 9 spare copies and to request that a copy may, as usual, be forwarded to His Highness the Nizam's Government.

Serial No. 8.